

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

STATE OF TEXAS, *et al.*,

*Plaintiffs,*

*v.*

UNITED STATES OF AMERICA, *et al.*,

*Defendants.*

Case No. 1:18-cv-00068

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**PLAINTIFF STATES' MOTION FOR SCHEDULING ORDER  
ON MOTION FOR PRELIMINARY INJUNCTION**

In accordance with the Court's May 15, 2018 Order, Plaintiff States propose the following schedule regarding their pending motion for preliminary injunction.

As the Court is aware, on September 5, 2017, the Department of Homeland Security ("DHS") withdrew the 2012 DACA memorandum. Earlier this year, U.S. District Courts for the Northern District of California and the Eastern District of New York issued preliminary injunctions blocking in part the 2017 rescission and mandating that DHS continue to accept DACA renewal applications. *Regents of Univ. of Cal. v. U.S. Dep't of Homeland Sec.*, 279 F. Supp. 3d 1011, 1048 (N.D. Cal. 2018); *Vidal v. Nielsen*, 279 F. Supp. 3d 401, 437 (E.D.N.Y. 2018). Those courts did not order DHS to accept new DACA applications or new applications for advance parole.

The U.S. District Court for the District of Columbia then granted summary judgment in a challenge to the 2017 executive action and vacated entirely DHS's rescission of the 2012 DACA memorandum. *NAACP v. Trump*, No. 1:17-cv-1907, 2018

WL 1920079, at \*1, \*28 (D.D.C. Apr. 24, 2018). The Court stayed the effect of its vacatur until July 23, 2018. *Id.* As of that date, DHS will not only continue to accept DACA renewal applications (the subject of the two preliminary injunctions), but it will begin processing new DACA applications as well as new applications for advance parole. Plaintiff States have thus requested a resolution of their motion for preliminary injunction by July 23, 2018. *See* Mt. for Prelim. Inj. 4.

Plaintiff States respectfully request an order from this Court on their motion for preliminary injunction by the end of June. A decision by that date will afford all parties the option to seek expedited yet orderly appellate review before DACA comes back into full force and effect.

To facilitate that request, Plaintiff States do not wish to delay by much the deadline to respond to the motion for preliminary injunction, and Plaintiff States are willing to shorten the deadline for their reply. Currently, Defendants' and Intervenor's responses to the motion for preliminary injunction are due by May 23, 2018. Plaintiff States wish to adhere to the briefing schedule set by the rules of this Court with only a slight modification. Plaintiff States propose the following:

- May 25, 2018 – Defendants and Intervenor's shall file their responses;
- May 29, 2018 – Plaintiff States shall file their reply; and
- May 30, 2018, or shortly thereafter – The Court conducts a hearing on the merits of the motion.

Defendants do not oppose this proposed schedule. Intervenorors have initially indicated that they do not agree, but Intervenorors have yet to provide an alternative scheduling proposal.

### **CONCLUSION**

Plaintiff States respectfully request that the Court enter the proposed schedule as outlined above to allow for the expedited yet orderly resolution of this matter before DACA becomes fully operational again on July 23, 2018.

Respectfully submitted.

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**COUNSEL FOR PLAINTIFF STATES**

### **CERTIFICATE OF CONFERENCE**

I certify that I have conferred with counsel for Defendants and Intervenor regarding the requested relief herein. Defendants do not oppose this proposed schedule. Intervenor has initially indicated that they do not agree. As of this filing, Intervenor has not provided an alternative scheduling proposal.

/s/ Todd Lawrence Disher  
TODD LAWRENCE DISHER

### **CERTIFICATE OF SERVICE**

I certify that on May 21, 2018, this document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Todd Lawrence Disher  
TODD LAWRENCE DISHER  
Special Counsel for Civil Litigation

**COUNSEL FOR PLAINTIFF STATES**

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**SCHEDULING ORDER ON  
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

IT IS ORDERED that:

Responses from Defendants and Intervenor to Plaintiffs' motion for preliminary injunction are due May 25, 2018;

Plaintiffs' reply in support of Plaintiffs' motion for preliminary injunction is due May 29, 2018; and

The Court will hold a hearing on Plaintiffs' motion for preliminary injunction on May 30, 2018.

SIGNED on this the \_\_\_\_\_ day of May, 2018.

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Hon. Andrew S. Hanen,  
U.S. District Court Judge